

owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iii) As soon as the monitoring data required by § 63.343(c) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to semiannual, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or operator may again request approval from the Administrator to reduce the reporting frequency as allowed by paragraph (h)(3) of this section.

(i) *Reports associated with trivalent chromium baths.* The requirements of this paragraph do not alleviate affected sources from complying with the requirements of State or Federal operating permit programs under title V. Owners or operators complying with the provisions of § 63.342(e) are not subject to paragraphs (a) through (h) of this section, but must instead submit the following reports:

(1) Within 180 days after January 25, 1995, submit an initial notification that includes:

(i) The same information as is required by paragraphs (c)(1) (i) through (v) of this section; and

(ii) A statement that a trivalent chromium process that incorporates a wetting agent will be used to comply with § 63.342(e); and

(iii) The list of bath components that comprise the trivalent chromium bath, with the wetting agent clearly identified; and

(2) Within 30 days of the compliance date specified in § 63.343(a), a notification of compliance status that contains an update of the information submitted in accordance with paragraph (i)(1) of this section or a statement that the information is still accurate; and

(3) Within 30 days of a change to the trivalent chromium electroplating process, a report that includes:

(i) A description of the manner in which the process has been changed

and the emission limitation, if any, now applicable to the affected source;

(ii) If a different emission limitation applies, the applicable information required by paragraph (c)(1) of this section; and

(iii) The notification and reporting requirements of paragraphs (d), (e), (f), (g), and (h) of this section, which shall be submitted in accordance with the schedules identified in those paragraphs.

[60 FR 4963, Jan. 25, 1995, as amended at 61 FR 27787, June 3, 1996; 62 FR 4465, Jan. 30, 1997, 62 FR 42921, Aug. 11, 1997]

§ 63.348 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.340, 63.342(a) through (e) and (g), and 63.343(a).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under

Pt. 63, Subpt. N, Table 1

40 CFR Ch. I (7–1–04 Edition)

§ 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37347, June 23, 2003]

TABLE 1 TO SUBPART N OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART N

General provisions reference	Applies to subpart N	Comment
63.1(a)(1)	Yes	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	
63.1(a)(6)	Yes	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(a)(7)	Yes	
63.1(a)(8)	Yes	
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	§ 63.347(a) of subpart N also allows report submissions via fax and on electronic media.
63.1(a)(12)–(14)	Yes	
63.1(b)(1)	No	§ 63.340 of subpart N specifies applicability.
63.1(b)(2)	Yes	
63.1(b)(3)	No	This provision in subpart A is being deleted. Also, all affected area and major sources are subject to subpart N; there are no exemptions.
63.1(c)(1)	Yes	
63.1(c)(2)	Yes	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(c)(4)	Yes	
63.1(c)(5)	No	Subpart N specifies permit requirements for area sources.
63.1(e)	Yes	
63.2	Yes	Subpart N clarifies that an area source that becomes a major source is subject to the requirements for major sources.
63.3	Yes	
63.4	Yes	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.5(a)	Yes	
63.5(b)(1)	Yes	Other units used in subpart N are defined in that subpart.
63.5(b)(3)	Yes	
63.5(b)(4)	No	Except replace the term “source” and “stationary source” in § 63.5(a) (1) and (2) of subpart A with “affected sources.”
63.5(b)(5)	Yes	
63.5(b)(6)	Yes	Applies only to major affected sources.
63.5(d)(1)(i)	No	
63.5(d)(1)(ii)	Yes	Subpart N (§ 63.345) specifies requirements for the notification of construction or reconstruction for affected sources that are not major.
63.5(d)(1)(iii)	Yes	
63.5(d)(2)	Yes	§ 63.345(c)(5) of subpart N specifies when the application or notification shall be submitted.
63.5(d)(3)–(4)	Yes	
63.5(e)	Yes	Applies to major affected sources that are new or reconstructed.
63.5(f)(1)	Yes	
63.5(f)(2)	No	Except information should be submitted with the Notification of Compliance Status required by § 63.347(e) of subpart N.
63.6(a)	Yes	
63.6(b)(1)–(2)	Yes	Applies to major affected sources that are new or reconstructed except: (1) replace “source” in § 63.5(d)(2) of subpart A with “affected source”; and (2) actual control efficiencies are submitted with the Notification of Compliance Status required by § 63.347(e).
63.6(b)(3)–(4)	Yes	
63.6(b)(5)	Yes	Applies to major affected sources that are new or reconstructed.
63.6(b)(7)	No	
		Except replace “source” in § 63.5(f)(1) of subpart A with “affected source.”
		New or reconstructed affected sources shall submit the request for approval of construction or reconstruction under § 63.5(f) of subpart A by the deadline specified in § 63.345(c)(5) of subpart N.
		Except replace “source” in § 63.6(b)(1)–(2) of part A with “affected source.”
		Except replace “source” in § 63.6(b)(5) of subpart A with “affected source.”
		Provisions for new area sources that become major sources are contained in § 63.343(a)(4) of subpart N.